

92D CONGRESS
1ST SESSION

S. 2819

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 1971

Ordered to be printed as passed the Senate

AN ACT

To provide foreign military and related assistance authorizations
for fiscal year 1972, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Special Foreign Military
4 and Related Assistance Act of 1971".

STATEMENT OF POLICY

6 SEC. 2. This Act is enacted as an interim measure to
7 carry forward for fiscal year 1972 United States bilateral
8 military assistance and military credit sales programs author-
9 ized by the Foreign Assistance Act of 1961 and the Foreign
10 Military Credit Sales Act. The Congress intends at the
11 earliest possible date to reevaluate the United States foreign

1 assistance program, including foreign military sales, and to
2 develop a new program for the future. Accordingly, this
3 Act looks to the phase-out of the current program and to
4 the establishment of a new one which will command the
5 respect and the support of Congress and the American
6 people.

7
AUTHORIZATIONS

8 SEC. 3. (a) There are authorized to be appropriated to
9 the President for fiscal year 1972—

10 (1) \$566,000,000 to carry out the provisions of
11 chapter 4 of part I of the Foreign Assistance Act of
12 1961, relating to supporting assistance;

13 (2) \$85,000,000 to carry out the provisions of
14 such chapter 4 for Israel only;

15 (3) \$452,000,000 to carry out the provisions of
16 part II of such Act, relating to military assistance; and

17 (4) \$400,000,000 to carry out the provisions of the
18 Foreign Military Sales Act.

19 (b) The aggregate total of credits, or participations in
20 credits, extended under the Foreign Military Sales Act
21 (excluding credits covered by guaranties issued under sec-
22 tion 24 (b) of such Act) and of the face amount of guaran-
23 ties issued under section 24 (a) or (b) of such Act shall
24 not exceed the amount of \$550,000,000 for fiscal year 1972,

1 of which amount not less than \$300,000,000 shall be made
2 available to Israel only.

3 (c) Any appropriation made under any clause of sub-
4 section (a) of this section shall be considered as an appro-
5 priation made under that provision of the Foreign Assistance
6 Act of 1961 or the Foreign Military Sales Act, as the case
7 may be, authorizing an appropriation for a prior year for the
8 same purpose as such clause.

9 **MILITARY ASSISTANCE**

10 **SEC. 4.** Part II of the Foreign Assistance Act of 1961,
11 relating to military assistance, is amended as follows:

12 (1) Section 505, relating to conditions of eligibility, is
13 amended—

14 (A) by striking out of subsection (b) (2) the word
15 “and” and inserting in lieu thereof “or”; and

16 (B) by striking out subsection (e).

17 (2) In section 506 (a), relating to special authority,
18 strike out—

19 (A) “1970 and the fiscal year 1971” and insert in
20 lieu thereof “1972”; and

21 (B) “each of the fiscal years 1970 and 1971” and
22 insert in lieu thereof “the fiscal year 1972”.

23 (3) Section 507 (a), relating to restrictions on military
24 aid to Latin America, is amended to read as follows: “(a)

1 Except as otherwise provided in this section, the value of
2 defense articles furnished by the United States Government
3 under this Act to Latin American countries shall not exceed
4 \$10,000,000. Not to exceed \$25,000,000 in value of defense
5 articles may be furnished under this part on a cost-sharing
6 basis to an inter-American military force under the control
7 of the Organization of American States.”

8 (4) At the end of chapter 2 of such part II, add the
9 following new sections:

10 “SEC. 511. MILITARY ASSISTANCE ADVISORY
11 GROUPS AND MISSIONS.—(a) It is the sense of Congress
12 that the need for large United States military assistance ad-
13 visory groups and military aid missions in foreign countries
14 has diminished substantially during the last few years. In the
15 words of the Peterson Task Force Report on International
16 Development, ‘The United States now can reduce its super-
17 vision and advice to a minimum, thus encouraging progress
18 toward self-reliance. United States military missions and
19 advisory groups should be consolidated with other elements in
20 our overseas missions as soon as possible.’

21 “(b) In accordance with the provisions of subsection
22 (a) of this section, the total number of United States military
23 personnel assigned and detailed, as of September 30, 1971,
24 to United States military assistance advisory groups, military
25 mission, and other organizations of the United States per-

1 forming activities similar to such groups and missions, shall
2 be reduced by at least 25 per centum by September 30, 1972.

3 "SEC. 512. MILITARY ASSISTANCE AUTHORIZATIONS
4 FOR THAILAND.—After June 30, 1972, no military assist-
5 ance shall be furnished by the United States to Thailand di-
6 rectly or through any other foreign country unless that
7 assistance is authorized under this Act or the Foreign Mili-
8 tary Sales Act.

9 "SEC. 513. LIMITATIONS ON AVAILABILITY OF FUNDS
10 FOR MILITARY OPERATIONS.—(a) No funds authorized or
11 appropriated under any provision of law shall be made
12 available by any means by any officer, employee, or agency
13 of the United States Government for the purpose of financ-
14 ing any military operations by foreign forces in Laos, North
15 Vietnam, or Thailand outside the borders of the country
16 of the government or person receiving such funds unless
17 Congress has specifically authorized or specifically authorizes
18 the making of funds available for such purpose and desig-
19 nates the area where military operations financed by such
20 funds may be undertaken outside such borders.

21 "(b) Upon requesting Congress to make any such au-
22 thorization, the President shall provide to Congress a copy
23 of any agreement proposed to be entered into with any such
24 government or person and the complete details of the pro-
25 posed military operation. Upon such authorization by

1 Congress, the President shall provide a copy of any such
2 agreement and thereafter of all plans and details of such
3 operation.

4 "SEC. 514. SPECIAL FOREIGN COUNTRY ACCOUNTS.—

5 (a) Except as otherwise provided by subsection (b) or (c)
6 of this section, no defense article may be given, and no grant
7 of military assistance may be made, under this or any other
8 law to a foreign country unless the country agrees—

9 "(1) to deposit in a special account established by the
10 United States Government the following amounts of cur-
11 rency of that country:

12 "(A) in the case of any excess defense article to
13 be given to that country, an amount equal to 25 per
14 centum of the fair value of the article, as determined
15 by the Secretary of State, at the time the agreement to
16 give the article to the country is made; and

17 "(B) in the case of a grant of military assistance
18 to be made to that country, an amount equal to 25 per
19 centum of each such grant; and

20 "(2) to allow the United States Government to use such
21 amounts from that special account as may be determined,
22 from time to time, by the President to be necessary to pay all
23 official costs of the United States Government payable in the
24 currency of that country, including all costs relating to the
25 financing of international educational and cultural exchange

1 activities in which that country participates under the pro-
2 grams authorized by the Mutual Educational and Cultural
3 Exchange Act of 1961.

4 “(b) The President may waive any amount of cur-
5 rency of a foreign country required to be deposited under
6 subsection (a) (1) of this section if he determines that the
7 United States Government will be able to pay all of its official
8 costs payable in the currency of that country enumerated
9 under subsection (a) (2) of this section without the deposit
10 of such amount and without having to expend United States
11 dollars to purchase currency of that country to pay such
12 costs.

13 “(c) The provisions of this section shall not apply in any
14 case in which an excess defense article is given, or a grant
15 of military assistance is made, to a foreign country under an
16 agreement with that country which allows the United States
17 Government to operate a military or other similar base in
18 that country in exchange for that article or grant.

19 “(d) Section 1415 of the Supplemental Appropriation
20 Act, 1953 (31 U.S.C. 724), shall not be applicable to the
21 provisions of this section.”

22 MISCELLANEOUS PROVISIONS

23 SEC. 5. (a) (1) Section 652 of the Foreign Assistance
24 Act of 1961, relating to miscellaneous provisions, is amended
25 to read as follows:

1 “SEC. 652. LIMITATION UPON EXERCISE OF SPECIAL
2 AUTHORITIES.—The President shall not exercise any special
3 authority granted to him under section 506 (a), 610 (a), or
4 614 (a) of this Act unless the President, at least ten days
5 prior to the date he intends to exercise any such authority,
6 notifies the Speaker of the House of Representatives and the
7 Committee on Foreign Relations of the Senate in writing of
8 each such intended exercise, the section of this Act under
9 which such authority is to be exercised, and the justification
10 for, and the extent of, the exercise of such authority.”

11 (2) The last sentence of section 506 (c) of such Act,
12 relating to special authority, is repealed.

13 (3) The last sentence of section 634 (d) of such Act,
14 relating to reports and information, is amended by striking
15 out “614 (a).”,

16 (b) Chapter 3 of part III of such Act is amended by
17 adding at the end thereof the following new sections:

18 “SEC. 653. CHANGE IN ALLOCATION OF FOREIGN
19 ASSISTANCE.—(a) Not later than thirty days after the en-
20 actment of any law appropriating funds to carry out any
21 provision of this Act (other than section 457 or 637), the
22 President shall notify the Congress of each foreign country
23 and international organization to which the United States
24 Government intends to provide any portion of the funds
25 under such law and of the amount of funds under that law,

1 by category of assistance, that the United States Government
2 intends to provide to each. Notwithstanding any other provi-
3 sion of law, the United States Government shall not provide
4 to any foreign country or international organization any
5 funds under that law which is in excess of 10 per centum of
6 the amount of each category of assistance which the Presi-
7 dent notified the Congress that the United States Govern-
8 ment intended to provide that country or organization under
9 that law, unless the President (1) determines that it is vital
10 to the security of the United States that such country or
11 organization receive funds in excess of the amount included
12 in such notification for that country or organization, and (2)
13 reports to Congress, at least ten days prior to the date on
14 which such excess funds are to be provided to that country
15 or organization, each such determination, including the name
16 of the country or organization to receive funds in excess of
17 such per centum, the amount of funds in excess of that per
18 centum which are to be provided, and the justification for
19 providing the additional assistance.

20 “(b) The provisions of this section shall not apply in
21 the case of any law making continuing appropriations and
22 may not be waived under the provisions of section 614 (a)
23 of this Act.

24 “SEC. 654. PRESIDENTIAL FINDINGS AND DETERMI-

1 NATIONS.—(a) In any case in which the President is re-
2 quired to make a report to the Congress, or to any committee
3 or officer of either House of Congress, concerning any finding
4 or determination under any provision of this Act, the For-
5 eign Military Sales Act, or the Foreign Assistance and
6 Related Programs Appropriation Act for each fiscal year,
7 that finding or determination shall be reduced to writing
8 and signed by the President.

9 “(b) No action shall be taken pursuant to any such
10 finding or determination prior to the date on which that
11 finding or determination has been reduced to writing and
12 signed by the President.

13 “(c) Each such finding or determination shall be pub-
14 lished in the Federal Register as soon as practicable after it
15 has been reduced to writing and signed by the President. In
16 any case in which the President concludes that such publica-
17 tion would be harmful to the national security of the United
18 States, only a statement that a determination or finding has
19 been made by the President, including the name and section
20 of the Act under which it was made, shall be published.

21 “(d) No committee or officer of either House of Con-
22 gress shall be denied any requested information relating to
23 any finding or determination which the President is required
24 to report to the Congress, or to any committee or officer of
25 either House of Congress, under any provision of this Act,

1 the Foreign Military Sales Act, or the Foreign Assistance
2 and Related Programs Appropriation Act for each fiscal
3 year, even though such report has not yet been transmitted to
4 the appropriate committee or officer of either House of Con-
5 gress.

6 "SEC. 655. LIMITATIONS UPON ASSISTANCE TO OR
7 FOR CAMBODIA.—(a) Notwithstanding any other provision
8 of law, no funds authorized to be appropriated by this or any
9 other law may be obligated or expended in any amount in ex-
10 cess of \$341,000,000 for the purpose of carrying out directly
11 or indirectly any economic or military assistance, or any
12 operation, project, or program of any kind, or for providing
13 any goods, supplies, materials, equipment, services, person-
14 nel, or advisers in, to, for, or on behalf of Cambodia during
15 the fiscal year ending June 30, 1972.

16 "(b) In computing the \$341,000,000 limitation on ob-
17 ligation and expenditure authority under subsection (a) of
18 this section in fiscal year 1972, there shall be included in the
19 computation the value of any goods, supplies, materials, or
20 equipment provided to, for, or on behalf of Cambodia in
21 such fiscal year by gift, donation, loan, lease, or otherwise.
22 For the purpose of this subsection, 'value' means the fair
23 market value of any goods, supplies, materials, or equip-
24 ment provided to, for, or on behalf of Cambodia but in no
25 case less than $33\frac{1}{3}$ per centum of the amount the United

1 States paid at the time such goods, supplies, materials, or
2 equipment were acquired by the United States.

3 “(c) No funds may be obligated or expended for any
4 of the purposes described in subsection (a) of this section in,
5 to, for, or on behalf of Cambodia in any fiscal year beginning
6 after June 30, 1972, unless such funds have been specifically
7 authorized by law enacted after the date of enactment of
8 this section. In no case shall funds in any amount in excess of
9 the amount specifically authorized by law for any fiscal year
10 be obligated or expended for any such purpose during such
11 fiscal year.

12 “(d) The provisions of subsections (a) and (c) of this
13 section shall not apply with respect to the obligation or
14 expenditure of funds to carry out combat air operations over
15 Cambodia. X V

16 “(e) After the date of enactment of this section, when-
17 ever any request is made to the Congress for the appropria-
18 tion of funds for use in, for, or on behalf of Cambodia for any
19 fiscal year, the President shall furnish a written report to
20 the Congress explaining the purpose for which such funds are
21 to be used in such fiscal year.

22 “(f) The President shall submit to the Congress within
23 thirty days after the end of each quarter of each fiscal year,
24 beginning with the fiscal year which begins July 1, 1971, a
25 written report showing the total amount of funds expended

1 in, for, or on behalf of Cambodia during the preceding quar-
2 ter by the United States Government, and shall include in
3 such report a general breakdown of the total amount ex-
4 pended, describing the different purposes for which such
5 funds were expended and the total amount expended for such
6 purpose, except that in the case of the first two quarters of
7 the fiscal year beginning July 1, 1971, a single report may
8 be submitted for both such quarters and such report may be
9 computed on the basis of the most accurate estimates the
10 President is able to make taking into consideration all infor-
11 mation available to him.

12 “(g) Enactment of this section shall not be construed as
13 a commitment by the United States to Cambodia for its
14 defense.”

15 LIMITATIONS ON UNITED STATES PERSONNEL AND PER-
16 SONNEL ASSISTED BY UNITED STATES IN CAMBODIA

17 SEC. 6. Chapter 3 of part III of the Foreign Assistance
18 Act of 1961, relating to miscellaneous provisions, is further
19 amended by adding after section 655, as added by section
20 5 (b) of this Act, the following new section:

21 “SEC. 656. LIMITATIONS ON UNITED STATES PERSON-
22 NEL AND PERSONNEL ASSISTED BY UNITED STATES IN
23 CAMBODIA.—The total number of civilian officers and em-
24 ployees of executive agencies of the United States Govern-
25 ment who are citizens of the United States and of members

14

1 of the Armed Forces of the United States (excluding such
2 members while actually engaged in air operations in or over
3 Cambodia which originate outside Cambodia) present in
4 Cambodia at any one time shall not exceed two hundred.
5 The United States shall not, at any time, pay in whole or
6 in part, directly or indirectly, the compensation or allow-
7 ances of more than fifty individuals in Cambodia who are
8 citizens of countries other than Cambodia or the United
9 States. For purposes of this section, 'executive agency of the
10 United States Government' means any agency, department,
11 board, wholly or partly owned corporation, instrumentality,
12 commission, or establishment within the executive branch
13 of the United States Government."

14 FOREIGN MILITARY SALES

15 SEC. 7. The Foreign Military Sales Act is amended as
16 follows:

17 (1) In section 33 (a), relating to regional ceilings on
18 foreign military sales, strike out "\$75,000,000" and insert
19 in lieu thereof "\$100,000,000".

20 (2) Section 33 (c), relating to regional ceilings on for-
21 eign military sales, is repealed.

22 EXCESS DEFENSE ARTICLES

23 SEC. 8. Section 8 of the Act of January 12, 1971,
24 entitled "An Act to amend the Foreign Military Sales Act,
25 and for other purposes" (84 Stat. 2053), is amended—

1 (1) by striking out the first and second sentences
2 of subsection (a) and inserting in lieu thereof the fol-
3 lowing: "Subject to the provisions of subsection (b),
4 the value of any excess defense article granted to a for-
5 eign country or international organization by any de-
6 partment, agency, or independent establishment of the
7 United States Government (other than the Agency for
8 International Development) shall be considered to be
9 an expenditure made from funds appropriated under the
10 Foreign Assistance Act of 1961 for military assistance.
11 Unless such department, agency, or establishment certi-
12 fies to the Comptroller General of the United States that
13 the excess defense article it is ordering is not to be
14 transferred by any means to a foreign country or
15 international organization, when an order is placed for
16 a defense article whose stock status is excess at the time
17 ordered, a sum equal to the value thereof shall (1) be
18 reserved and transferred to a suspense account, (2)
19 remain in the suspense account until the excess defense
20 article is either delivered to a foreign country or inter-
21 national organization or the order therefor is canceled,
22 and (3) be transferred from the suspense account to
23 (A) the general fund of the Treasury upon delivery of
24 such article, or (B) to the military assistance appro-

1 priation for the current fiscal year upon cancellation of
2 the order.”;

3 (2) by striking out, in subsection (b), “\$100,000,-
4 000” and inserting in lieu thereof “\$150,000,000”; and

5 (3) by adding at the end thereof the following new
6 subsection:

7 “(e) Except for excess defense articles granted under
8 part II of the Foreign Assistance Act of 1961, the provisions
9 of this section shall not apply to any excess defense article
10 granted to South Vietnam prior to July 1, 1972.”

11 TERMINATION OF UNITED STATES MILITARY OPERATIONS

12 IN INDOCHINA

13 SEC. 9. It is hereby declared to be the policy of the
14 United States to terminate at the earliest practicable date all
15 military operations of the United States in Indochina, and
16 to provide for the prompt and orderly withdrawal of all
17 United States military forces not later than six months after
18 the date of enactment of this section subject to the release of
19 all American prisoners of war held by the Government of
20 North Vietnam and forces allied with such Government. The
21 Congress hereby urges and requests the President to imple-
22 ment the above expressed policy by initiating immediately
23 the following actions:

24 (1) Establishing a final date for the withdrawal from
25 Indochina of all military forces of the United States con-

1 tingent upon the release of all American prisoners of war
2 held by the Government of North Vietnam and forces allied
3 with such Government, such date to be not later than six
4 months after the date of enactment of this Act.

5 (2) Negotiate with the Government of North Vietnam
6 for an immediate cease-fire by all parties to the hostilities in
7 Indochina.

8 (3) Negotiate with the Government of North Vietnam
9 for an agreement which would provide for a series of phased
10 and rapid withdrawals of United States military forces from
11 Indochina in exchange for a corresponding series of phased
12 releases of American prisoners of war, and for the release
13 of any remaining American prisoners of war concurrently
14 with the withdrawal of all remaining military forces of the
15 United States by not later than the date established by the
16 President pursuant to paragraph (1) hereof or by such
17 earlier date as may be agreed upon by the negotiating parties.

18 LIMITATION ON UNITED STATES ACTIVITIES IN

19 CAMBODIA

20 SEC. 10. Section 7 (a) of the Special Foreign Assist-
21 ance Act of 1971 (84 Stat. 1943) is amended by striking
22 out "Cambodian military forces" and inserting in lieu thereof
23 "military, paramilitary, police, or other security or intelli-
24 gence forces".

18

1 RESTRICTIONS RELATING TO FOREIGN TROOPS

2 SEC. 11. Section 401 (a) of Public Law 89-367, ap-
3 proved March 15, 1966 (80 Stat. 37), as amended, is
4 amended---

5 (1) by inserting in the second sentence of para-
6 graph (1), after "to or for the use of the Armed
7 Forces of the United States", the following: "or of any
8 department, agency, or independent establishment of the
9 United States"; and

10 (2) by inserting in the introductory matter pre-
11 ceding clause (A) of paragraph (2) of such section,
12 after "Armed Forces of the United States", the follow-
13 ing: "or of any department, agency, or independent
14 establishment of the United States".

Passed the Senate November 11, 1971.

Attest:

FRANCIS R. VALEO,

Secretary.

92nd CONGRESS
1st Session

S. 2819

AN ACT

To provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 12, 1971

Ordered to be printed as passed the Senate